

CR15-00707-PHX-SRB CX-MESHINSKY 2-18-16

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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United States of America,	)	
	)	
Plaintiff,	)	
	)	CR15-00707-PHX-SRB
vs.	)	Phoenix, Arizona
	)	February 18, 2016
Abdul Malik Abdul Kareem,	)	
	)	
Defendant.	)	
	)	
	)	

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BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE  
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL - DAY 3

CROSS EXAMINATION: SPECIAL AGENT ROBERT J. MESHINSKY

**APPEARANCES:**

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E X C E R P T O F P R O C E E D I N G S

SPECIAL AGENT ROBERT J. MESHINSKY

## CROSS EXAMINATION

BY MS. PLOMIN:

Q Good afternoon, Agent.

A Good afternoon.

Q Now, Agent, you recovered the Lenovo laptop, Government's Exhibits 61 from 2419 Vista Avenue; is that correct?

A That is correct.

Q And you recovered several other electronic devices from that house, correct?

A Correct.

Q How many computers did you recover from the house?

A I don't recall how many at the time.

Q Would "five" sound accurate to you?

A It could.

Q Did you prepare a 302 regarding the collection of these devices?

A I should have prepared a 302, yes.

Q Would it refresh your recollection to look at that 302?

A Yes.

THE COURT: You were right the first time.

MS. PLOMIN: Thank you.

BY MS. PLOMIN:

Q Can you please review it to refresh your recollection.

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1 A Okay.

2 Q And was "five" correct?

3 A Yes.

4 Q And you recovered two devices from room H; is that  
5 correct?

6 A That is correct.

7 Q And room H is the room where the Lenovo was recovered,  
8 correct?

9 A Correct.

10 Q And this second computer, what kind of computer was found  
11 in room H aside from the Lenovo?

12 A Actually, the -- it was a thumb drive, 2 gig thumb drive.

13 Q I want to direct your attention to paragraph 5.

14 A Okay.

15 Q Was there a second laptop found in the -- in room H?

16 A Yes. There's two -- two room H -- or excuse me. Two  
17 laptops were found in room H, yes.

18 Q All right. And the second laptop, can you describe that.

19 A Based on this, it's an HP dv5 laptop.

20 Q And I just want to be clear.

21 When you were discussing the Government's Exhibit 174  
22 through 183, you located all of those on the flash drive, not  
23 on the Lenovo computer?

24 A That is correct.

25 Q And were you able to determine when you were reviewing the

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1 flash drive the user who created the documents that were on  
2 the flash drive?

3 A No.

4 Q Were you able to determine where those documents came from  
5 in terms of what electronic device that they came from?

6 A No.

7 Q And if the documents on the flash drive did come from the  
8 Lenovo laptop, would you expect to see those same documents  
9 somewhere on the Lenovo laptop?

10 A There would be a reference to it. The document may reside  
11 on the laptop, but there could also be a pointer or a  
12 reference.

13 Q And are you aware of any references or pointers to the  
14 documents that were found on the flash drive that were found  
15 on the Lenovo?

16 A I'm not aware of any right now.

17 Q All right. Did you have an occasion to analyze the actual  
18 Lenovo laptop?

19 A EMH did, put it into CARE, and it was reviewed by somebody  
20 else, a case agent.

21 Q And who was it reviewed by?

22 A I don't recall when it was reviewed in 2012.

23 Q Did anybody look to see if there were any pointers or  
24 indicators of the documents that were found on the flash  
25 drive, if there were any of those found on the Lenovo laptop?

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1 A I can't answer that question.

2 Q I would like to direct your attention to Government  
3 Exhibit No. 392. It's been admitted into evidence.

4 Do you have 392?

5 THE COURT: Do we not have all of the exhibits, Mr.  
6 Koehler?

7 MR. KOEHLER: This was given to the defense, Your  
8 Honor, yes.

9 THE COURT: I'm not talking about the defense.

10 I'm talking about me. Not -- and I'm not talking  
11 about my copy. I'm talking about the official exhibits.

12 From my understanding, you have been showing exhibits  
13 and offering them in evidence and I have been admitting them,  
14 and yet we have not been provided with the original exhibit.

15 MR. KOEHLER: We have the original marked and  
16 intended to come up during the break to put those in and give  
17 those to the clerk and we will do that at the break.

18 THE COURT: So before you leave today, all of the  
19 exhibits have to be in the custody of the courtroom deputy.

20 MR. KOEHLER: We will do that.

21 THE COURT: Thank you.

22 So we would love to hand it to the witness, but we  
23 don't have it, Ms. Plomin.

24 So since it's admitted, you can put it on the  
25 document camera and we'll look at it from there.

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1 MS. PLOMIN: Thank you.

2 I'm not sure that you can see that.

3 BY MS. PLOMIN:

4 Q So on Exhibit 392, is this the way the Lenovo looked to  
5 you when you first recovered it?

6 A Yes.

7 Q And it was powered on?

8 A Correct.

9 Q And this was the screen that was on the Lenovo when you  
10 entered the room to take the computer?

11 A Correct.

12 Q All right. And it's difficult to see, but looking in the  
13 top left-hand corner where there's an address and a name, can  
14 you see what that name says?

15 A I cannot make that name out. Park?

16 Q The second line down.

17 The target of the search warrant, are you aware, was  
18 Abu Bakr Ahmed?

19 A Yes.

20 Q And do you see Abu Bakr Ahmed's name on the second line on  
21 the top left-hand corner of the document?

22 A Yes.

23 Q And you didn't analyze the Lenovo laptop for additional  
24 users other than Mr. Abdul Kareem, did you?

25 A I didn't analyze the computer. We put it into CARE and

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1 then it was analyzed by a case agent.

2 Q All right. And just going back to the flash drive, there  
3 is absolutely no way to tell who loaded those documents onto  
4 the flash drive?

5 A That's correct.

6 MS. PLOMIN: I don't have any further questions, Your  
7 Honor.

8 THE COURT: Thank you.

9 Any redirect at this time, Mr. Koehler?

10 MR. KOEHLER: No redirect, Your Honor. Thank you.

11 (End of Excerpt of Proceedings.)

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## C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 23rd day of February, 2016.

s/Elizabeth A. Lemke  
ELIZABETH A. LEMKE, RDR, CRR, CPE